

CGP Transition from EPA to ADEC

October 30, 2009

When does the transition from EPA to ADEC occur?

The transition of NPDES primacy from EPA to ADEC is taking place in four phases. Phase I started October 31, 2008. Phase II, which includes storm water, takes place October 31, 2009. From October 31, 2009 onward ADEC is the permitting authority for permitting and enforcement for the Construction General Permit.

I submitted a Notice of Intent (NOI) to EPA for my project before the transition; do I need to submit another NOI to ADEC?

No, the NOI you submitted to EPA will serve as the NOI for ADEC so you do not need to submit another NOI.

I submitted an NOI to EPA for my project before the transition, do I submit my Notice of Termination (NOT) to EPA or to ADEC?

After October 31, 2009 you submit your NOT to ADEC, you do not submit your NOT to EPA.

Where do I submit my NOI?

There are two ways to submit your NOI to ADEC. The first way is to use ADEC's eNOI website to enter your information, see www.dec.state.ak.us/water/wnpspc/stormwater/index.htm and look in the right-hand column and click on **APDES eNOI**.

The second way is to submit your signed original of the NOI to the following address (while retaining a copy for your files and Storm Water Pollution Prevention Plan)

Alaska Department of Environmental Conservation
Division of Water – Storm Water Program
555 Cordova St.
Anchorage, AK 99501

Where do I submit my NOT?

There is currently only one way to submit your NOT to ADEC. Submit your signed original of the NOT to the following address (while retaining a copy for your files and Storm Water Pollution Prevention Plan)

Alaska Department of Environmental Conservation
Division of Water – Storm Water Program
555 Cordova St.
Anchorage, AK 99501

Do I use the EPA forms or ADEC forms?

ADEC has developed forms similar to the EPA forms for the NOI and NOT. We encourage operators to use the new ADEC forms. The ADEC forms are available at www.dec.state.ak.us/water/wnpspc/stormwater/index.htm and look in the right-hand column and click on ***APDES Storm Water Forms***.

Do I have to pay a fee?

Operators of construction projects that disturb five or more acres of land that are located outside the Municipality of Anchorage, the urbanized area of the Fairbanks North Star Borough, the urbanized area of the City of Fairbanks, or the urbanized area of the City of North Pole shall submit their Storm Water Pollution Prevention Plan to ADEC for review and pay the state-required plan review fee (see 18 AAC 72.955).

Operators of government transportation construction projects that disturb one or more acres of land within the Municipality of Anchorage shall submit their Storm Water Pollution Prevention Plan to ADEC for review and pay the state-required plan review fee (see 18 AAC 72.955).

Operators of publicly funded construction projects that disturb one or more acres of land that are located inside the urbanized area of the Fairbanks North Star Borough, the urbanized area of the City of Fairbanks, or the urbanized area of the City of North Pole shall submit their Storm Water Pollution Prevention Plan to ADEC for review and pay the state-required plan review fee (see 18 AAC 72.955).

ADEC is in the process of revising its fee schedule. The proposed fees were public noticed the fall of 2009. ADEC expects the fees to be put into effect by January, 2010.

What construction general permit do I use now?

The permit that is in effect is the EPA permit issued June 30, 2008 and is set to expire June 30, 2010. For your SWPPP print off the ADEC Cover Page (available on ADEC Construction General Permit Webpage) and use it as the cover to the EPA Construction General Permit (see link on ADEC Construction General Permit Webpage).

Is the expiration date of the existing Construction General Permit being extended?

On October 19, 2009, EPA published in the *Federal Register* notice of a proposal to extend by one-year the expiration date of the permit from June 30, 2010, to June 30, 2011. Because of the transfer of permitting authority from EPA to ADEC for storm water during the public notice of this change, EPA will develop the response to comments and ADEC will consider the comments EPA receives on their Federal Register notice of the proposed extension. Based on the comments received, and EPA's response to comments, ADEC proposes to extend the expiration date of the current CGP to June 30, 2011.

When will the Construction Effluent Limitation Guidelines (ELGs) be issued by EPA?

EPA anticipates issuing the ELGs by December 1, 2009.

When will Alaska construction projects have to include consideration of the ELGs in their storm water management and their SWPPPs?

Once the ELGs are issued by EPA they need to be adopted into a permit before a construction project has to follow them. ADEC anticipates adopting the ELGs into the CGP and putting the revised CGP out for public comment in the fall of 2010, with the revised CGP going into effect in Feb/March 2011.

Who will be inspecting construction sites?

After October 30, 2009, ADEC will be the primary agency inspecting construction sites. However, EPA does retain the right to inspect construction sites.

What is EPA's role in storm water regulation after October 30, 2009?

EPA retains oversight of ADEC's permitting and enforcement of storm water regulations. This means that EPA will provide technical assistance in the reissuance of permits and they will also review and comment on storm water permits that ADEC develops. EPA will review ADEC compliance and enforcement efforts.